

1624

PTO/SB/21 (03-03)

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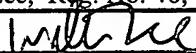
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		Application Number	10/050,488
		Filing Date	01/16/2002
		First Named Inventor	Shen-Chun Kuo et al.
		Art Unit	1624
		Examiner Name	Venkataraman Balasubramanian
Total Number of Pages in This Submission	4	Attorney Docket Number	CD01351

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <input type="checkbox"/> Post Card

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Attorney Docket No.: CD013

Application No.: 10/050,488

Filing Date: 01/16/2002

Inventor: Shen-Chun Kuo et al.

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PTO/SB92 (08-00)

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Documents submitted:

Transmittal Form PTO/SB/21 - 1 Page

Response to Restriction Requirement (2 pages)

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6/6/03
C. StylesIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Shen-Chun Kuo et al.** :
 For Patent: **Synthesis of Temozolomide and Analogs** :
 Serial No.: **10/050,488** :
 Filed: **01/16/2002** :
 -----x-----

Examiner:
Venkataraman Balasubramanian

Group Art Unit: **1624**

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Schering-Plough Corporation
 Kenilworth, New Jersey 07033

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement mailed on May 1, 2003 for the above-identified application, applicants respond as follows.

Claims 1-30 are pending in the application. The Examiner restricted the claims into five major groups:

Group I (claims 1-24 drawn to a process of making bicyclotetrazine of formula I shown in claim 1 and a process for making its intermediates);

Group II (claims 18-20 and 26 drawn to compounds of formula II, II V and compounds 5,6, 8 and their acid addition salts);

Group III (claims 18-20 and 25-26, drawn to compound of formula VI and compound 4 and its acid addition salt)

Group IV (claims 18-20 and 27, drawn to compound of formula IV and compound 13 and its acid addition salt)

and

Group V (claims 20 and 26, drawn to compound 17 and its acid addition salt).

The Examiner advised Applicants to elect a Group to be examined and to identify the claims reading thereon.

As an initial point, Applicants respectfully request the Examiner to clarify the status of claims 28-30, as they do not appear anywhere in the Examiner's restriction of Groups I to V.

Further, applicants are puzzled by the restrictions of the claims by the Examiner and believe that claims 1-30 form part of one and the same invention.

Applicants believe that when there is a linking claim encompassing the scope of all the compounds, and process of preparing them, it is inappropriate to restrict the invention to a single compound. Applicants also believe that due to such commonality, a complete examination of claims 1-30 would not cause undue burden. Applicants further believe that the same art search will most probably apply to the alleged separate inventions. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

However, for the sake of facilitation of prosecution and in order to comply with the Examiner's requirement, Applicants elect the claims that the Examiner has identified as belonging to Group I (claims 1-24) with traverse.

The Examiner is requested to call the undersigned attorney on any matter connected with this application.

The Commissioner is authorized to charge Deposit Account No. 19-0365 for any fees deemed necessary.

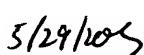
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WILLIAM Y. LEE

Registered Representative



Signature



Date

Respectfully submitted



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